

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUSTYN KUCERA,

Defendant.

8:13-CR-249

ORDER

The defendant has filed a motion to appoint counsel ([filing 249](#)) asking for counsel to assist him in moving for a release to home confinement based on the COVID-19 pandemic. The Court finds that appointment of counsel would help the Court determine whether the defendant merits relief. Accordingly,

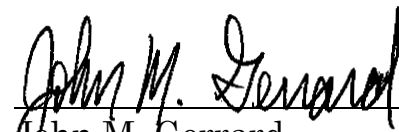
IT IS ORDERED:

1. The defendant's motion to appoint counsel ([filing 249](#)) is granted.
2. The Federal Public Defender for the District of Nebraska is appointed to represent the defendant for the limited purpose of determining whether the COVID-19 pandemic is a lawful basis to reduce the defendant's term of imprisonment.
3. The Clerk of the Court shall provide a copy of this order to the Federal Public Defender.

4. In the event the Federal Public Defender should decline this appointment because of a conflict of interest or on the basis of the Amended Criminal Justice Act Plan, the Federal Public Defender shall provide the Court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Amended Criminal Justice Act Plan for this district.
5. If upon his review the Federal Public Defender should conclude that the defendant's motion is frivolous, the Federal Public Defender may move to withdraw as counsel.
6. The Office of U.S. Probation and Pretrial Services is authorized to disclose the defendant's Presentence Investigation Report to the Federal Public Defender. The Federal Public Defender shall provide the Presentence Investigation Report to any subsequently appointed or retained counsel. In accordance with the policy of the Federal Bureau of Prisons, no Presentence Investigation Report shall be provided to inmates.

Dated this 8th day of June, 2020.

BY THE COURT:



John M. Gerrard
Chief United States District Judge